IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

ORIGINAL JURISDICTION

Date: Nainital: the 26th day of November, 2007

Criminal Bail Application No. 1302 of 2007

Order on the Bail application of accused.

CRIMINAL SIDE

Narendra Singh S/o Sri Ranjeet Singh,
R/o Vill. Aksora Patti Kandarsyun, Tehsil Thalisain, Disttt. Pauri Garhwal

Applicant (in Jail)

Versus

State of Uttarakhand -----Opposite Party

Arising out from Range case No. 3 of 2007
U/Ss 302/323/506/427 of IPC,
Patti Dhaijuli-I, Distt. Pauri Garhwal

Hon'ble Dharam Veer, J.

Heard Sri L.K. Tewari, learned counsel for the applicant and Sri Prabhakar Joshi, learned brief holder for the State.

In brief the prosecution case is that on 1.9.2007, the dead body of Santosh was recovered and the FIR was lodged against the unknown person on 2.9.2007 at 8:00 AM in Patti Dhaijuli, Distt. Pauri Garhwal. Learned counsel for the applicant submitted that the only evidence against the applicant is that during the traveling, driver and the deceased passenger Santosh had quarreled for certain reasons and due to that quarrel, Santosh received the injuries and later on he died. Learned counsel for the applicant submitted that that whatever the allegations have been shown against the applicant, they show the whatever the incident was happened, that was happened due to sudden provocation and there was no motive or intention of the applicant to cause the injuries to deceased Santosh. He further submitted that the applicant is in jail since September, 2007 and the trial of the case has yet not been started and he has also got no criminal history before this case.

After considering all the fact and circumstances, without expressing any opinion about the final merit of the case, the Court is of the view that the applicant deserves bail at this stage.

Let applicant Narendra Singh be released on bail on his executing personal bond and furnishing two sureties each in the like amount to the satisfaction of the C.J.M., Pauri Garhwal.

The bail application is disposed of accordingly.

(Dharam Veer, J.)

November 26, 2007:
Rajeev Dang